

JUN 09 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CASE NO. [SEALED]  
CASE NO. [SEALED]

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
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IN RE SEALED MATTER )  
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**MOTION FOR LEAVE  
TO INTERVENE AND  
MOTION TO UNSEAL**

Capitol Broadcasting Company, Incorporated d/b/a "WRAL-TV," The News and Observer Publishing Company d/b/a *The News & Observer*, WSOC Television, LLC, The Charlotte Observer Publishing Company d/b/a *The Charlotte Observer*, WTVD Television LLC, WUNC, LLC, The Associated Press, and The Washington Post respectfully move this Court for leave to intervene in these proceedings for the limited purpose of asserting and protecting their and the people's presumptive right of access to judicial documents and proceedings, as conferred by the First Amendment to the Constitution of the United States; Article I, §§ 14, 18 and 24 of the North Carolina Constitution; and common law. Specifically, movants seek to intervene and move the Court unseal Movants' April 30, 2020, filing.

In support of this Motion, movants show the following:

1. Capitol Broadcasting Company, Incorporated ("WRAL") is a North Carolina corporation whose principal place of business is located in Raleigh, Wake County, North Carolina. Capitol Broadcasting is a diversified communications

company which, among other things, owns and operates five television stations in North Carolina, including WRAL-TV in Raleigh, which covers news in the Research Triangle and surrounding areas of Piedmont and Eastern North Carolina, including Wake County and its surrounds.

2. The News and Observer Publishing Company (“N&O”) is a North Carolina corporation that maintains its principal place of business in Raleigh, Wake County, North Carolina. Among other things, the company publishes *The News & Observer*, a general interest newspaper that is published in Wake County and distributed throughout the surrounding area of North Carolina. The News & Observer also publishes an online edition at [www.newsobserver.com](http://www.newsobserver.com).

3. WSOC Television, LLC is a Delaware limited liability company that is authorized by the North Carolina Secretary of State to do business within the state and has its principal place of business in Atlanta, Georgia. WSOC-TV covers news in Greater Charlotte and the surrounding areas of North Carolina and South Carolina, and state-wide issues throughout North Carolina. WSOC-TV also disseminates online coverage at [www.wsoctv.com](http://www.wsoctv.com).

4. The Charlotte Observer Publishing Company (the “*Charlotte Observer*”) is a Delaware corporation that maintains its principal place of business in Mecklenburg County, North Carolina. Among other things, the company publishes *The Charlotte Observer*, a general interest newspaper that is published in Mecklenburg County and distributed throughout the surrounding areas of North

Carolina and South Carolina. The Observer also publishes news online at [www.charlotteobserver.com](http://www.charlotteobserver.com).

5. WTVD Television, LLC (“WTVD”) is a Delaware corporation with its principal place of business in Durham, North Carolina. It owns and operates the television station WTVD ABC 11 in Raleigh-Durham, North Carolina. WTVD gathers and disseminates news to the public, serving a twenty-three county viewing area in central and eastern North Carolina and disseminates its news coverage online at [www.abc11.com](http://www.abc11.com).

6. WUNC, LLC, is a North Carolina not-for-profit corporation located in Orange County. WUNC operates North Carolina Public Radio, an affiliate of National Public Radio, at 91.5 FM from Chapel Hill; at 88.9 FM from Manteo; at 91.9 from Fayetteville; at 91.1 from Welcome; and at 90.9 FM from Rocky Mount. The station, which also streams online 24 hours a day, provides extensive national and local news coverage, including information about courts throughout North Carolina.

7. The Washington Post (formally, WP Company LLC d/b/a The Washington Post) is a news organization based in Washington, D.C. It publishes *The Washington Post* newspaper and the website [www.washingtonpost.com](http://www.washingtonpost.com), and produces a variety of digital and mobile news applications. The Post has won 47 Pulitzer Prizes for journalism, including awards in 2018 for national and investigative reporting.

8. The Associated Press (“AP”) is a news cooperative organized under the Not-for-Profit Corporation Law of New York, with more than 1,300 U.S. newspaper members. The AP’s members and subscribers include the nation’s newspapers, magazines, broadcasters, cable news services and Internet content providers. On any given day, AP’s content can reach more than half of the world’s population. AP has no parents, subsidiaries or affiliates that have any outstanding securities in the hands of the public. The AP’s North Carolina bureau regularly covers news of interest in all 100 counties of North Carolina, including news about state government and public policy.

9. On 23 March 2020, Movants filed a motion seeking leave to move the Court to intervene in the instant matters for the purpose of challenging its sealing and the apparent entry of a gag order prohibiting some parties from discussing the case with Movants and/or others.

10. As directed by the Court, Movants filed their Motion to Intervene and In Support of Unsealing Records and Vacating Gag Order and Memorandum in Support thereof under seal on 30 April 2020.

11. As described by the Court in its unsealed May 12, 2020 Order, the Court “reviewed and considered the motion of Capitol Broadcasting Co., Inc.; The News and Observer Publishing Co.; WSOC Television, LLC; The Charlotte Observer Publishing Co.; WTVD Television LLC; WUNC, LLC; The Associated Press; and The Washington Post (collectively, “media”) to intervene in this on-going sealed matter.”

12. On 12 May 2020, the Court denied Movants' motion by entry of an unsealed order in these matters.

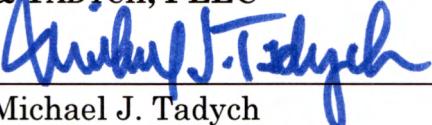
13. All of Movants' filings are based on public records, including state judicial records. Movants have not filed anything based on sealed or otherwise confidential records or information.

14. There is no legal basis for Movants' 30 April 2020 filings, comprising already public information, to be sealed in these proceedings.

15. The procedural requirements have not been met for sealing any document to be filed with the court.

Respectfully submitted this the 9<sup>th</sup> day of June 2020.

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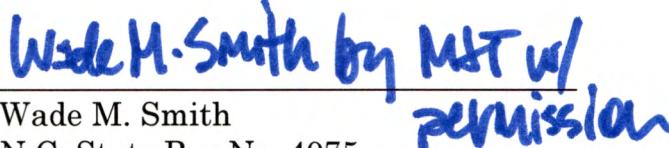
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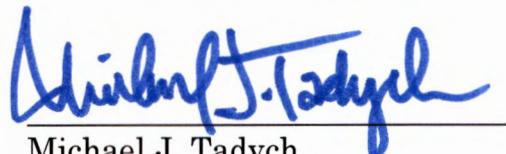
## **CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of June 2020, I filed the foregoing **MOTION FOR LEAVE TO INTERVENE AND MOTION TO UNSEAL** with the Clerk of Court *by hand* as Movants are without access to the matter electronically via PACER or the CM/ECF system and mailed copies of same addressed to the following counsel who may potentially represent some of the parties to the sealed litigation:

Joshua H. Stein  
Attorney General  
Paul M. Cox  
Special Deputy Attorney General  
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This 9<sup>th</sup> day of June, 2020.



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Michael J. Tadych